REMARKS

Favorable reconsideration and allowance of this application are requested.

I. Discussion of Claim Amendments

By way of the amendment instructions above, each of the independent claims has been revised so as to emphasize that the ends parts of the cable are connected together so as to forma closed loop and that a device is inserted between the connected end parts of the closed loop and the bone parts to be fixed such that twisting of the inserted device exerts a torsion force on the end parts to thereby responsively bring the cable under a tension required for tying together the objects. Basis for such claim revisions can be found in the originally filed specification at page 4, lines 3-25.

Accordingly, following entry of this amendment claims 1-2, 5-10, 13, 15-19 and 21-23 will remain pending herein. Favorable action on the merits of such claims is therefore requested in light of the comments below.

II. Response to Substantive Issues

Prior claims 1, 5-7, 13, 15, 17, 19 and 21 attracted a rejection under 35 USC §102(b) as allegedly anticipated by Bevan et al (USP 5,725,582), while claims 2, 18 and 23 were rejected under 35 USC §103(a) as being "obvious" therefrom. Claims 8-10, 16 and 22 were rejected under 35 USC §103(a) as allegedly "obvious" from Bevan et al, in view of Crouch et al (USP 4,788,814). As will become evident from the following discussion, none of the applied references of record is appropriate to negate the patentability of the presently claimed invention.

As will be observed in pending claim 1 herein, the presently claimed invention contemplates that a surgical cable is laid around at least part of the objects to be tied together. The end parts of the surgical cable are ***connected together*** so as to form a ***closed loop***. A device is inserted ***between the connected end parts of the closed***

loop and the bone parts to be fixed. The inserted device is then twisted. By this twisting of the device, a ***torsion force*** is exerted on the end parts and the cable is brought under a tension required for tying together the objects. The tensioned cable is locked against the influence of forces acting counter to the exerted torsion force thereon.

Significant distinctions exist between the presently claimed invention and Bevan et al. Specifically, Bevan et al discloses a method of spinal stabilization using a strand and a tensioning tool. One end of the strand engages with a hook. The other end of the strand is secured to a tensioning tool. The tensioning tool is rotated in its axial direction to allow the strand to be wound thereupon, tensioning the strand. After the tensioning, the strands are crimped by a crimpable sleeve-like element. (Figure 5; column 5, line 56-column 6, line 11.)

Thus, in Bevan et al the tensioning tool 33 applies tension to the strand 21 while the crimpable sleeve-like element 26 is uncrimped. (*"A tension tool…may be applied to one of the hooking members…before squeezing of the (or each) crimpable sleeve-like element."* Column 4, lines 38-42.) As is shown in Fig. 5 of Bevan et al, one end of the strand 21 is allowed to wrap around the shank 36 of the tool 22 so as to exert essentially an *axially* oriented tension on the strand 21.

According to the method according to Bevan et al, therefore, the ends parts of the strands are ***not*** connected together so as to form a closed loop before the tensioning by the tensioning tool. One end of the strand is wound on the tensioning tool. Significantly, ***no torsion force*** is exerted on the end parts of the strand using the technique of Bevan et al.

In contrast to Bevan et al, however, the present invention physically ***connects*** the end parts together so as to form a ***closed loop*** wherein a turning tool is ***inserted between the connected ends of the closed loop and the bone part to be fixed*** so that a torsion force applied to the connected end parts causes a portion of the

connected end parts to be twisted together to thereby cause the cable to be brought under tension.

Accordingly, the presently claimed invention is both novel and unobvious over Bevan et al.

Crouch et al fails to cure the deficiencies of Bevan et al as noted above. In this regard, Crouch et al discloses a method of winding a relatively large package of yarn on a textile winder. The Crouch et al method contemplates air splicing the end parts of a yarn. Crouch et al clearly does not relate to a method of tying together objects using a surgical cable. Thus, the combination of Bevan et al and Crouch et al fails to render obvious the presently claimed invention.

Withdrawal of all art-based rejections of record is therefore in order. Early passage of this application to issue is solicited.

III. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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